

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Ian Saunders :
 : Group Art Unit: Not yet known
 Application No. 10/510,082 :
 : Examiner: Not yet known
 Filed: October 1, 2004 :
 : Attorney Docket No.: 060327-5002
 For: Stage Device For A Vacuum Chamber :

**REQUEST FOR RECONSIDERATION AND
 RENEWED PETITION UNDER
 37 CFR 1.47(b)**

Mail Stop PCT
 Commissioner for Patents
 Office of PCT Legal Administration
 P.O. Box 1450
 Alexandria, VA 22313-1450

The following is submitted in response to Decision on Petition Under 37 CFR 1.47(b) dated December 19, 2005.

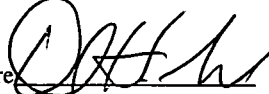
First, with regard to Item No. 2 (proof of unavailability or refusal) the action states that it is unclear as to whether the May 4, 2005 letter was returned as undeliverable. Applicant hereby states that the May 4, 2005 letter was not returned as undeliverable, and to the knowledge of Applicant, the letter was duly delivered to the address shown on the letter. In a further effort to contact the inventor, Applicant sent a further letter on July 13, 2006. A copy of this further letter together with a delivery receipt from DHL is attached as Exhibit A. Applicant has received no response from the inventor to either the May 4, 2005 letter or the July 13, 2006 letter.

CERTIFICATE OF MAILING (37 C.F.R. § 1.8)

I hereby certify that this paper, and the papers and/or fees referred to herein as transmitted, submitted or enclosed, are being deposited on the date shown below with the U.S. Postal Service with sufficient postage as first-class mail in an envelope addressed to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, VA 22313-1450.

Name Daniel H. Golub

Signature



Date of Deposit July 19, 2006

Second, with regard to the inventor's last known address, the Action asks whether Applicant has attempted to locate Mr. Saunders last known residence address. Paragraph 5(b) of the undersigned's May 6, 2005 declaration references the Internet searches performed for the purpose of identifying Mr. Saunders' last known residence address. Those searches yielded no useful results. Applicant has since updated those searches, and is unable to identify any current or previous residence address for Mr. Saunders. The only address for Mr. Saunders known to Applicant is the former business address identified on the May 4, 2005 and July 13, 2006 letters.

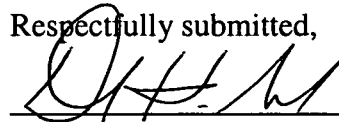
Third, regarding Item No. 4, attached is an oath or a declaration executed on behalf of, and as agent for, the nonsigning inventor.

Fourth, regarding Item No. 5, attached is a letter from Counsel in the Netherlands demonstrating that Applicant has a proprietary interest in the invention.

In view of the above, it is respectfully requested that Applicant's Petition under 37 CFR 1.47 (b) be granted.

The Commissioner is hereby authorized to charge any deficiency in the fees due in connection with this filing Deposit Account 50-0310. A duplicate of this authorization is enclosed.

Respectfully submitted,



Daniel H. Golub

Reg. No. 33,701

MORGAN, LEWIS & BOCKIUS LLP

1701 Market Street

Philadelphia, PA 19103

215-963-5055

Dated: July 19, 2006

Morgan, Lewis & Bockius LLP
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Fax: 215.963.5001
www.morganlewis.com

FILE
Morgan Lewis
COUNSELORS AT LAW

Daniel H. Golub
215.963.5055
dgolub@morganlewis.com

July 13, 2006

~~May 4, 2005~~

SECOND REQUEST

VIA DHL OVERNIGHT DELIVERY

Ian Saunders
p/a Mapper Lithography IP B.V.
Lorentzweg 1
2628 CJ DELFT
The Netherlands

Re: U.S. Patent Application No. 10/510,082 entitled
"Stage Device for a Vacuum Chamber"

Dear Mr. Saunders:

We are forwarding to you today a copy of International Patent Application No. PCT/NL03/00247. On October 1, 2004, a National Stage application corresponding to International Application Patent Application No. PCT/NL03/00247 was filed in the U.S. Patent and Trademark Office (USPTO). The U.S. patent application has been assigned serial no. 10/510,082.

Mapper Lithography IP B.V. filed this application with the USPTO. We are forwarding the application to you because it is our initial understanding that you are an inventor of the subject matter of the patent application.

We ask that you carefully review the application. If, after reviewing the enclosed patent application, you believe that the application should not identify you as an inventor, we ask that you so inform us immediately. If the application properly identifies you as an inventor, and meets with your approval, we request that you then execute and return to us (for filing with the USPTO) the enclosed Declaration. Please return the executed documents to our office in the United States by fax at 215-963-5001.

In connection with execution of the Declaration, please carefully review the Declaration and any information that we have entered onto it, and fill in any missing information under your name in

EXHIBIT A

Philadelphia Washington New York Los Angeles San Francisco Miami Pittsburgh Princeton
Chicago Palo Alto Dallas Harrisburg Irvine Boston London Paris Brussels Frankfurt Tokyo

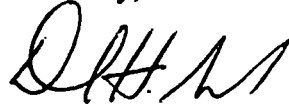
10 of 4

Ian Saunders
May 4, 2005
Page 2

blue ink. By "residence" address is meant the city and state of residence. The "mailing" address is the (full) address at which you customarily receive mail. After you have completed the review of the patent application and Declaration, and if the information in the Declaration is correct and complete, please sign and date the Declaration in blue ink where indicated. If any corrections are made, please initial and date the corrections in the margin.

We request that you return by fax the executed Declaration to us (or confirm in writing that you are not an inventor) no later than 12:00 noon (EST) on May 7, 2005. We will construe a failure to meet this deadline as a refusal to execute the Declaration.

Sincerely,



Daniel H. Golub

DHG/rer
Enclosure



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Track results detail

Tracking results detail for 8504961776

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Tracking summary

Current Status	✓ Shipment delivered.
Delivered on	7/17/2006 2:14 pm
Delivered to	
Signed for by	VAN OS What is this?

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Tracking history

Date and Time	Status
7/17/2006 2:14 pm	Shipment delivered.
12:02 pm	With delivery courier.
7:34 am	Arrived at DHL facility.
5:58 am	Transit through sort facility.
1:35 am	In transit.
9:24 pm	Departing origin.
7/13/2006 5:49 pm	Picked Up by DHL.

Ship From:
PA 19103
United States

Ship To:

Attention:

Attention:

Tracking detail provided by DHL: 7/19/2006, 9:12:22 am pt.

Location

▶ Help

Amsterdam, Netherlands Why is this?
Amsterdam, Netherlands
New York, NY
Wilmington, OH
Wilmington, OH
Philadelphia, PA
Shipper's Door

Shipment Information:
Ship date: 7/13/2006
Pieces: 1
Total weight: 1 lb *
Ship Type: Package
Shipment Reference:
Service:
Special Service:
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PTO/SB/01 (10-05)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**DECLARATION FOR UTILITY OR
DESIGN
PATENT APPLICATION
(37 CFR 1.63)**☐ Declaration
Submitted
With Initial
Filing

OR

☒ Declaration
Submitted after Initial
Filing (surcharge
(37 CFR 1.16 (e))
required)Attorney Docket
Number

060327-5002

First Named Inventor

Ian Anderson

COMPLETE IF KNOWN

Application Number

10/510,082

Filing Date

10/01/2004

Art Unit

Not yet known

Examiner Name

Not yet known

I hereby declare that:

Each inventor's residence, mailing address, and citizenship are as stated below next to their name.

I believe the inventor(s) named below to be the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Stage Device For A Vacuum Chamber

(Title of the Invention)

the specification of which

☐ is attached hereto

OR



was filed on (MM/DD/YYYY)

10/01/2004

as United States Application Number or PCT International

Application Number

10/510,082

and was amended on (MM/DD/YYYY)

(if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment specifically referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

I hereby claim foreign priority benefits under 35 U.S.C. 119(a)-(d) or (f), or 365(b) of any foreign application(s) for patent, inventor's or plant breeder's rights certificate(s), or 365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent, inventor's or plant breeder's rights certificate(s), or any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Priority Not Claimed	Certified Copy Attached?	
				YES	NO
PCT/NL03/00247	PCT	04/02/2003	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

☐ Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

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This collection of information is required by 35 U.S.C. 115 and 37 CFR 1.63. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 21 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1480, Alexandria, VA 22313-1480. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1480, Alexandria, VA 22313-1480.

If you need assistance completing the form, call 1-800-PTO-9199 and select option 2.

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DECLARATION — Utility or Design Patent Application

Direct all correspondence to: ☐ The address associated with Customer Number: OR ☒ Correspondence address below

Name *Daniel H. Golab*

Address *1701 Market Street*

City *Philadelphia* State *PA* ZIP *19103*

Country *USA* Telephone *215-963-5055* Email *dgolab@mergantelevis.com*

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

NAME OF SOLE OR FIRST INVENTOR: ☐ A petition has been filed for this unsigned inventor

Given Name (first and middle (if any)) *Dan* Family Name or Surname *Saunders*

Inventor's Signature *Dan* Date

Residence: City State Country Citizenship

Mailing Address

City State Zip Country

☐ Additional inventors or a legal representative are being named on the supplemental sheet(s) PTO/SB/02A or 02LR attached hereto.

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Declaration for Utility or Design Patent Application (PTO/SB/01)[1-1.1]—page 2 of 2

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Practitioner's Docket No. 060327-5002

ADDED PAGE TO COMBINED DECLARATION AND POWER OF ATTORNEY FOR SIGNATURE BY PERSON WITH SUFFICIENT PROPRIETARY INTEREST WHERE NO INVENTOR IS AVAILABLE TO SIGN AND ON BEHALF OF ALL THE INVENTOR(S) WHO REFUSE(S) TO SIGN OR CANNOT BE REACHED (37 C.F.R. § 1.47(b))

WARNING: "Filing under 37 CFR 1.47(b) and 35 U.S.C. 118 is permitted only when no inventor is available to make application" § 40903(b), MPEP, 8th Edition.

I, Boudewijn Band
(type or print name of person (entity) with sufficient proprietary interest or authorized to act on behalf of such person (entity))

hereby declare that:

I. I am a citizen of the Netherlands
residing at _____

II. I

- ☐ am a person with sufficient proprietary interest.
☒ am authorized by the following person or juristic entity with sufficient proprietary interest,

(complete the following information, if applicable):

Mapper Lithography IP B.V.
Name of assignee or entity having sufficient proprietary interest
Lorentzweg 1, NL-2628, CT Delft, the Netherlands
Address of assignee or entity having sufficient proprietary interest
Director
Title of person executing this declaration and authorization to sign on behalf of assignee or entity having sufficient proprietary interest

III. By virtue of this proprietary interest, I sign this declaration on behalf of, and as agent for:

Full name of (first, second, etc.) Ian Saunders
nonsigning inventor who

- ☐ refused to sign.
☒ cannot be found or reached.

NOTE: The name of the nonsigning inventor(s) should preferably also be inserted at the appropriate prior space in the declaration, adding the words "nonsigning inventor-completed on added page."

Country of Citizenship of nonsigning inventor
n/a Mapper Lithography IP B.V.
Last known address of nonsigning inventor
Lorentzweg 1, NL-2628, CT Delft, the Netherlands

(Added Pages to Combined Declaration and Power of Attorney for Signature by Person With Sufficient Proprietary Interest Where No Inventor is Available to Sign and on Behalf of All the Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached [1-5]—page 1 of 2)

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NOTE: Ordinarily, the last known address will be the last known residence of the nonsigning inventor(s). A post office box is insufficient. Other addresses at which the nonsigning inventor(s) may be reached should also be given (and these can best be given in the Statement of Facts In Support of Filing on Behalf of Nonsigning Inventor). M.P.E.P. § 409.03(e), 6th ed.

IV. Upon information and belief, I aver those fact that the inventor is required to state, 37 C.F.R. § 1.64(b).

V. Accompanying this declaration is a:

(1) Petition by Person Having Proprietary Interest to File Application on Behalf of Inventor(s) Who Refuse to Sign or Cannot Be Found (37 C.F.R. § 1.47(b))

to establish the proof of pertinent facts, and to show that such action is necessary to preserve the rights of the parties or to prevent irreparable damage, and

NOTE: Proof that such action is necessary to preserve the right of the parties or prevent irreparable damage may be made in either one of the above declarations by person having first-hand knowledge.

(2) the petition fee of \$130.00. (37 C.F.R. § 1.17(h))

Date:

17/7/06



Signature of person with sufficient proprietary interest or authorized to act on behalf of such person or entity


(Added Pages to Combined Declaration and Power of Attorney for Signature by Person With Sufficient Proprietary Interest Where No Inventor is Available to Sign and on Behalf of All the Inventor(s) Who Refuse(s) to Sign or Cannot Be Reached [1-5]—page 2 of 2)

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Statement relating to US serial number 10/510,082

The undersigned, in his capacity of Dutch and European patent attorney acting for Mapper Lithography IP B.V., herewith declares that Mapper Lithography IP B.V. has proprietary interest in the invention(s) described and claimed in US patent application 10/510,082, filed October 1, 2004, as a conversion of International patent application PCT/NL03/00247, claiming priority of Dutch patent application 1020291, filed April 2, 2002.

Apeldoorn (The Netherlands), July 14, 2006


Alexander Ferguson